

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Darrell Kluge,

Plaintiff,

v.

Internal Revenue Service,

Defendant.

CIVIL NO. 09-1763 (DWF/JJG)

PRETRIAL SCHEDULING ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

DISCOVERY SCHEDULE/LIMITATIONS

1. Defendant shall submit a *Vaughn* index to the Plaintiff on or before **November 20, 2009**.
2. Plaintiff will review the *Vaughn* index and, on or before **December 11, 2009**, the parties will meet and confer to determine whether the requests can be narrowed.
3. Any motion seeking discovery shall be filed and served by **December 30, 2009** and must be supported by good cause.

NON-DISPOSITIVE MOTIONS

All non-dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, and in the form prescribed by **Local Rule 37.2**. The “Meet and Confer” requirement

should include attempts to do so through personal contact, rather than solely through correspondence. All non-dispositive motions shall be scheduled for hearing by calling Judith Kirby, Judicial Assistant to Magistrate Judge Graham, at (651) 848-1890, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion.

1. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **January 20, 2010**.
2. Non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **March 19, 2010**.
3. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.
5. Prior to scheduling any non-dispositive motion, parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved with the Magistrate Judge. The Court requires that: (1) all parties be in agreement to informal resolution of the matter and (2) the "moving party" electronically file a letter representing that all the parties are in agreement to resolving the matter without formal motion and setting forth the single, well-defined issue to be resolved. Upon receipt of such, the Court will determine whether the matter may be handled informally. If it is determined the matter can be resolved informally, the parties will be contacted by the Court to schedule a telephone conference and allow for written response to the letter by the "moving party." For leave to proceed in a manner other than that outlined above, the requesting party shall electronically file a letter setting forth the specific request.

INFORMAL DISPUTE RESOLUTION (IDR)

Prior to scheduling any non-dispositive motion, parties should consider whether the motion can be informally resolved through Informal Dispute Resolution (IDR). There is no transcript or other recording of IDR proceedings. Therefore, all parties should be in

agreement to participate in IDR and the Court will first determine whether the matter may be handled informally. The “moving party” shall electronically file a letter representing that the parties wish to engage in IDR and setting forth the well-defined issue to be resolved. If it is determined that IDR may be used, the parties will be contacted by the Court to schedule a telephone conference and allow for position letters to be filed by each party.

For leave to proceed in a manner other than that outlined above, the requesting party shall electronically file a letter setting forth the specific request.

DISPOSITIVE MOTIONS

All dispositive motions shall be filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and Local Rule 7.1. Dispositive motions shall be scheduled for a hearing by calling **Gina Olsen**, Calendar Clerk for the Honorable Donovan W. Frank at **(651) 848-1296**. Counsel are reminded that they must anticipate the time required for obtaining hearing dates. All dispositive motions shall be filed and served on or before **May 3, 2010**.

TRIAL

This case shall be ready for a **bench** trial on **July 1, 2010**. The anticipated length of trial is **one (1)** day.

Dated: October 20, 2009

s/ Jeanne J. Graham
JEANNE J. GRAHAM
United States Magistrate Judge